

## 12.537 MOBILE VIDEO/DIGITAL VIDEO RECORDING EQUIPMENT

### **References:**

Procedure 12.205 – Traffic Enforcement  
Procedure 12.235 – Operating a Vehicle Under the Influence (OVI): Processing & Arrest  
Procedure 12.535 – Emergency Operation of Police Vehicles and Pursuit Driving  
Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release

### **Purpose:**

Establish a policy regarding the use of mobile/digital video with audio recorders in Department vehicles.

Establish a policy regarding the storage, release, and retention of mobile videotapes and digital discs.

### **Policy:**

Original tapes/discs will not leave the custody of the Police Department. The Department will retain and preserve tapes/discs for at least 90 days, or as long as necessary for the incident subject to investigation. Tapes/discs held as evidence by districts/sections/units will be held for the required retention period. Any requests for copies of the held tape/disc will be forwarded to the district/section/unit holding the tape/disc.

Officers who fail to use the Mobile Video/Digital Video Recording equipment as required or fail to report damage to the MVR/DVR equipment are in violation of the Manual of Rules and Regulations for the Cincinnati Police Department.

### **Information:**

Utilizing MVR/DVR equipment will facilitate the Department's objectives: to collect evidence for criminal prosecution, to provide an administrative inspection function, and assist in training officers to improve safety and tactics.

MVR tapes and DVR discs are the property of the Cincinnati Police Department and are not to be duplicated and/or used without authorization from the Police Chief or his designee.

The MVR/DVR relies completely on the police vehicle's battery for its power supply. When the battery goes dead or is disconnected, the date and time as well as the tape/disc counter may no longer be accurate. The MVR tape counter will not allow the officer to know how much room is left for recording on the tape. The date and time will also be incorrect for criminal or administrative investigations. The DVR time, date and counter must be checked for accuracy but should reset on its own.

When the DVR is activated, the thirty seconds prior to activation will be captured on the recording.

All DVR units will have the video resolution set to BEST by a supervisor. The BEST setting will allow for digital enhancement of captured data when necessary. Steps to complete this setting can be found on the Department Intranet under Manuals; Digital Eyewitness Reference Manuals page 4-9.

Incidents exceeding one hour in length will be copied to more than one CD.

Officers may use MVR/DVR equipment to record the reason for their current or planned enforcement action or to record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.

DVR microphones will not record conversations while stored in the docking station.

***Procedure:***

**A. Operating and Utilizing MVR/DVR Equipment**

1. MVR/DVR equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be operated according to manufacturer's recommendations.
  - a. All officers operating MVR/DVR equipped vehicles will wear the wireless transmitter and microphone.
2. Prior to leaving the district/section/unit, officers must ensure their MVR/DVR equipment is working satisfactorily including date and time.
  - a. Officers will check the MVR/DVR by recording themselves while standing in front of the vehicle and giving a test count. With the digital DVR system, both Sure Talk microphones must be checked with a test count to ensure they are functioning properly.
    - 1) After recording, officers will review the tape to verify the audio and video test recorded properly.
  - b. Any problems will be immediately brought to the attention of a supervisor.
  - c. Officers will complete the "In-Car Camera" portion of the Form 436A, Daily Activity Record.
  - d. Officers will check the amount of space left on the tape/disc to ensure there is an adequate amount of recording time available for the duration of the shift.
    - 1) The tape counter in an MVR equipped vehicle appears in the top left corner of the screen and indicates the amount of tape used. The maximum "count" for a tape is 12,000 (6 hours).

- a) When the tape counter has reached a count of 10,000 or above, or when the 30 minute warning light is flashing, the officer will notify a supervisor, who will change the tape.
    - 1] If this occurs during the shift, officers will inform the supervisor of any recorded sequences that may be of value for training purposes.
  - 2) The disc counter in a DVR equipped vehicle appears on the overhead console after initial start up and will continue to be displayed while the unit is running. The counter indicates the amount of recording time remaining on the disc. The maximum amount of space on a DVR disc set to BEST is 5 hours and 20 minutes (shown as 5.20).
    - a) When the disc counter shows 30 minutes or less, the officer will notify a supervisor, who will change the disc.
- NOTE: DVR counters start at the maximum number of hours and minutes available for each disc i.e., 5.20.
- e. If during their tour of duty, the MVR/DVR or audio equipment malfunctions, officers must notify their supervisor.
- 3. When turned on, MVR/DVR equipment will automatically activate when the vehicle's emergency lights are activated.
  - a. The camera must be positioned and adjusted to record events appropriately. On a DVR equipped vehicle, the correct camera position will allow viewing of the push bumpers in the bottom and middle of the screen.
  - b. The wireless microphone must be manually turned on when using an MVR. The wireless microphone turns on automatically with a DVR when removed from the docking station. When a second Sure Talk microphone from a DVR system is used to record audio inside a vehicle, the second microphone must be removed from the docking station and manually activated by pressing the ACT button until it remains lit.
  - d. The equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
  - e. Officers must notify their supervisor if they become aware that a traffic stop or pursuit was not recorded.
- 4. Officers will use their MVR/DVR equipment to record all portions of the following incidents:

- a. Responding to calls for service while in emergency mode.
  - b. Traffic pursuits.
  - c. Traffic stops including the investigation of a vehicle and occupants already stopped or parked.
    - 1) Officers on traffic stops will continue to record until the stopped vehicle departs or until they leave the scene.
    - 2) Officers assisting on traffic stops will continue to record until the stopped vehicle departs or until they leave the scene.
  - d. The transporting of all persons physically arrested and being transported to an appropriate location: district, detention facility, medical facility, etc., until relieved of custody of the prisoner. The camera will be turned to face the rear seat for recording purposes.
    - 1) This includes physical arrests from traffic stops; prisoners requiring transportation which are picked up from districts, outside agencies, private security, etc.; and all original arrests which were not part of an above incident requiring initial recording of the incident.
  - e. Requests for consent to search, searches, and deployments of drug-detection canines involving vehicles, when practical.
- 5. Officers will only use tapes/discs issued by the Department.
    - a. Officers will not erase, alter, or tamper with tapes/discs.
  - 6. Each MVR/DVR equipped vehicle must have a warning posted on the interior of the divider, facing rearward, which advises the rear seat passenger(s) that their actions and conversations will be recorded.
- B. Tape/Disc Control and Management
- 1. Except as indicated below, tapes/discs will be stored at the district/section/unit.
  - 2. Access to tapes/discs is restricted to supervisory personnel only.
    - a. District/section/unit commanders can designate a non-supervisory person to have access to tapes/discs only when necessary.
  - 3. All original tapes/discs will be stored for 90 days following the last day of use.
  - 4. Copies of the tapes/discs will be made by the district commander's designee.

5. Tapes/discs will be stored and separated in the following categories:
  - a. Assigned Tapes/Discs:
    - 1) Each MVR equipped vehicle will have 30 tapes assigned to it, labeled with the equipment number and tape number (e.g.: 04300-1.....04300-30).
    - 2) Each DVR equipped vehicle will have 30 discs assigned to it, labeled with the equipment number and disc number (e.g.: 04300-1.....04300-30). Do not write directly on the disc.
    - 3) Each vehicle will have a Form MVR1, In-car Camera Tape/Disc Log, to track tape/disc changes and 90-day retention dates. The log must be kept secured with the tapes/discs.
    - 4) Tapes/discs will be changed when:
      - a) The MVR tape counter reads 10,000 or above or the 30-minute warning light begins to flash.
      - b) The DVR disc counter reads 30 minutes or less.
      - c) The tape/disc needs to be removed for viewing or copying purposes.
      - d) There is a malfunction of the tape/disc.
      - e) Battery power is lost or the date and time are incorrect. The MVR/DVR time and the Mobile Data Terminal (MDT) time will be the same.
      - f) Directed by a supervisor.
  - b. Spare Tapes/Discs
    - 1) Each district/section/unit will have 20 spare MVR tapes available, labeled with the MVR tape number (e.g.: Spare-1 - Spare-20).
    - 2) Each district/section/unit will have 20 spare DVR discs available, labeled with the disc number (e.g.: Spare-1 – Spare-20).
    - 3) Spare tapes/discs are to be used in place of an “Assigned Tape/Disc” when the 90-day retention period has not been met.
    - 4) A Form MVR2, In-car Camera Spare Tape/Disc Log, will be completed to track the use of spare tapes/discs and their retention dates.

c. Court/Evidentiary Tapes and Discs

- 1) When tapes/discs are held for court/evidentiary purposes, the officer or supervisor will submit a Form 606, Mobile Video/Audio Recording Records Request, before the end of the tour of duty.
  - a) One copy of the tape/disc will be made and processed as normal evidentiary material in accordance with Procedure 12.715.
  - b) Copies of MVR tapes must include a portion of video from directly before and after the incident in order to be considered a "certified" copy for court. Copies of DVR discs will consist of the file containing the specific incident.
  - c) Retain the Form 606 at the district/section/unit to track copied tapes/discs.
  - d) The officer will mark all related documents with Automated Control of Evidence ("ACE") to alert the prosecutor or investigator that a copy of the tape/disc is available. "ACE" will be indicated only when the officer holds a tape/disc as evidence.
- 2) Anytime an MVR/DVR equipped police vehicle is involved in an auto accident, where the MVR/DVR is recording, or an MVR/DVR captures a police vehicle involved in an auto accident, the supervisor who completes the 90S, Supervisor's Review of Vehicle Crash, will complete a Form 606. Forward a copy of the tape/disc along with the auto accident paperwork, (i.e., 90S, BMV3303, etc.) through the chain of command to the Fleet Management Unit. The Solicitor's Office will have access to these tapes/discs as needed for lawsuits.
  - a) The Fleet Management Unit will maintain a computer database and act as a liaison with the City Solicitor's Office.
  - b) Tapes/discs not needed after 2 years will be returned to the district of assignment to be placed back in their tape/disc rotation.
- 3) Anytime an MVR/DVR equipped police vehicle is involved in a stop where an individual is arrested for Operating a Vehicle Under the Influence (OVI):
  - a) A copy of the OVI incident captured on tape(s) or disc(s) will be held as evidence. Clearly mark the Form 527, Arrest Report, and MUTT(s), Ohio Multi-

count Traffic Tag, with "ACE". Also, mark "yes" in the specific block on the Form 495.

- b) Complete a Form 606 and process the copy of the tape/disc as evidence held for court (See Procedure 12.715). Mark the copy of the tape/disc with the date and OVI number. Discs must be marked with a label. Do not write directly on the disc.
- c) If the incident is captured on a DVR disc, a second copy will be made and routed, with the OVI paperwork, to the Prosecutor's Office. This disc will be labeled with the arrestee's name, OVI number, and the incident date/time. The Prosecutor's Office will continue to obtain MVR tapes from the Court Property Unit.

#### C. Request for Tapes/Discs

1. Due to the training and evidentiary nature of tapes/discs, any request(s) for a tape/disc must be made prior to the end of the 90-day retention period.
2. Requests for copies of tapes/discs originating from within the Department must be submitted on a Form 606 to the district/section/unit where the tape/disc is assigned or stored.
  - a. The original tape/disc must be retained at the district/section/unit of assignment, except when needed as "best evidence" for an investigation by Homicide Unit, Internal Investigations Section, Inspections Section, or Traffic Unit. These units will notify the Officer In Charge (OIC) if a tape/disc is taken for evidence.
    - 1) The shift OIC will document tapes/discs taken as best evidence on a Form MVR3, MVR Tape/DVR Disc Custody Log, at the district/section/unit of assignment.
    - 2) A best evidence tape/disc will not be returned to the district of assignment. The district/section/unit taking custody is responsible for its final disposition.
    - 3) Label a blank tape/disc with the same equipment and tape/disc number, and put back into rotation.
  - b. Officers requesting copies of tapes/discs for personal use must submit their request through Records Section.
3. Requests from outside of the Department must also be submitted on a Form 606 through Records Section to the district/section/unit maintaining the original tape/disc. OVI recorded events will only be released with the approval of the prosecutor.

- a. When a request for a tape/disc is made from outside of the Department, a second copy of the tape/disc will be made and maintained in a file at the district for one year.
  - 4. Duplicate tapes/discs will be made only after the approval of the district/section/unit commander.
  - 5. Additional blank tapes/discs can be obtained at the Supply Unit.
  - 6. Requests from the Prosecutor's Office for "ACE" Tapes/Discs
    - a. Prosecutor's Office will contact the Court Property Unit and request a copy of an "ACE" tape/disc.
    - b. Court Property Unit will complete and file the Form 606, make a copy of the tape/disc and arrange for delivery to the Prosecutor's Office.
  - 7. Requests from the Prosecutor's Office for copies of all other tapes/discs
    - a. The Prosecutor's Office will contact the district/section/unit administrative assistant or supervisor to determine if a tape/disc of the incident in question exists.
    - b. If a tape/disc exists, follow section B.5.c. (Court/Evidentiary Tapes and Discs). Make an extra copy for the Prosecutor's Office and arrange for the delivery of the tape/disc.
      - 1) Indicate on the Form 606 that an extra copy was made and delivered to the Prosecutor's Office.
    - c. If no tape/disc exists, the administrative assistant or supervisor will call the Prosecutor's Office and advise them there is no tape/disc.
  - 8. Media requests for tapes/discs will be referred to and handled by the Public Information Office (PIO). Districts will release a copy of tapes/discs to PIO upon request.
- D. Supervisory Responsibilities
- 1. All district supervisors will:
    - a. Ensure officers follow established procedures for the use and maintenance of MVR/DVR equipment, tapes, discs, and the completion of MVR/DVR documentation.
    - b. Ensure the 90-day retention period has been met before installing the next sequential tape/disc.



- 1) If the tape/disc is available for use, it must be completely rewound (if it's a tape) and erased before re-installing into the recorder.
- 2) If the 90-day retention period has not been met, the next sequential spare tape/disc must be used instead.
- c. Fill out the tape/disc or spare tape/disc log completely and accurately each time a tape/disc is changed.
- d. Assign police vehicles with faulty or no MVR/DVR equipment as a last resort.
  - 1) Supervisors will note in their rounds why equipment without functioning MVR/DVR equipment was used.
- e. Each relief OIC will ensure a supervisor randomly selects a tape or disc to review per shift. During that review, a specific incident will be identified and reviewed in its entirety and the results will be documented on Form MVR4, Supervisor's Daily Review of MVR/DVR. These reviews will be conducted for training and integrity purposes.
  - 1) Supervisors will not review any incident they know to have been previously reviewed. Supervisors will not include the review of any incident occurring during their current shift which was reviewed in accordance with procedure, e.g., vehicle pursuits, use of force, etc.
  - 2) Supervisors conducting these reviews will file their Forms MVR4 in a separate logbook maintained by the affected district/section/unit.
  - 3) Supervisors will conduct periodic and random inspections of MVR/DVR equipment to confirm it is in proper working order.
2. Each district/section/unit will designate one supervisor to be in charge of MVR/DVR equipment and tape/disc log maintenance. The MVR/DVR supervisor will ensure:
  - a. Every 30 days, an audit of the tape/disc and spare tape/disc logs is conducted, and all tapes/discs assigned to a district/section/unit are accounted for. Any discrepancies will be brought to the attention of the district/section/unit commander.
    - 1) Any tape/disc found during this audit that has been retained for more than 90 days will be manually erased and returned to the tape/disc rotation.
  - b. Damaged or nonfunctional MVR/DVR equipment is tracked and sent for repair or replacement.
  - c. Assigned tapes/discs are replaced as necessary to maintain video/audio clarity. If the tape/disc is not clear or causes any malfunction, do not use it. Replace with a new tape/disc.

Tapes/discs used for more than ten rotation cycles will be checked to ensure video and audio clarity.

3. During monthly vehicle inspections, the Vehicle Inspection Supervisor will inspect MVR/DVR equipment to ensure the correct date and time are displayed on the monitor.
  4. Each relief OIC will review two randomly selected tapes/discs per week for training issues. A minimum of 3 incidents per tape/disc will be reviewed. Results will be noted in their rounds.
  5. Supervisors will review the tapes/discs in all cars of all officers listed in any Department report regarding any incident involving:
    - a. Injury to Prisoners;
    - b. Use of Force;
    - c. Injury to Officers;
    - d. Vehicle Pursuits;
    - e. Police Officer Needs Assistance Runs;
    - f. Citizen Complaints.
  6. All reports related to the above incidents should indicate "MVR/DVR Review" and if evidence was found.
- E. Maintenance, Repair, and Replacement
1. Take malfunctioning MVR/DVR equipment to the Radio Shop at 1106 Bates Avenue for repair. This service is available at all times.
  2. The Radio Shop is the liaison with the MVR/DVR vendors. The Radio Shop will conduct all repair and replacement of MVR/DVR equipment.
  3. The storage, distribution, tracking and repairs of MVR/DVR equipment will be designated in the district/section/unit Standard Operating Procedures.